IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 32759 of 2007(Y)

PETITIONER:

HEMA ANTONY,W/O.SIMON VAZ,
AGED 40 YEARS, VAIKATHUKARAN HOUSE,
EXCHANGE ROAD, ALAPUZHA,NOW RESIDING AT
MANGATTU HOUSE, MOHAN NIVAS, OCHANTHURUTHU PO
VYPIN.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS:

VIJAYA BANK, WELLINGTON ISLAND BRANCH
NEAR AYYAPPA TEMPLE, NAVAL ROAD,
KOCHI-682 003,REP. BY ITS CHEIF MANAGER
VIJAYA BANK, REGIONAL OFFICE,
M.G.ROAD, ERNAKULAM.

BY ADV. SRI.K.ANAND (A.201)
SMT.LATHA KRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC , J

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W.P.(C). NO. 32759 OF 2007

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Dated this the 14th day of November, 2007.

JUDGMENT

The proceedings initiated against the petitioner under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is under challenge. Earlier, the petitioner had filed a writ petition before this Court as W.P.(C) No. 16150/2007. An appeal filed was also dismissed as per Ext.P1 judgment. In view of the disposal of the earlier proceedings as stated above, in my view this writ petition is not maintainable.

2. The petitioner now submits that he should be permitted to pay the balance amount that is due in terms of his agreement with the Bank. This relief should have been asked for in the prior proceedings and the petitioner cannot be permitted to resort to piece meal litigation.

3. Yet another complaint made by the petitioner is that the Bank did not adjust the remittance made as per Ext.P2 towards

his loan account. The counsel for the Bank submits that this amount has in fact been adjusted and that even after such adjustment, the present liability of the petitioner is more than Rs.8 lakhs. At the close of the submissions, the counsel pleaded for an instalment facility to enable the petitioner for discharging the liability. This is accepted by the counsel for the Bank. But, he however insisted that at least 50% of the due should be paid within one month. The petitioner may pay 50% of the dues as agreed by the Bank within one month from today and if so the balance amount will also be permitted to be paid in 4 monthly equal instalments payable thereafter.

With the above direction the writ petition is disposed of.

ANTONY DOMINIC, JUDGE.

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